

Federal Emergency Management Agency
Office of Cerro Grande Fire Claims
Post Office Box 1480
Los Alamos, New Mexico 87544

SUBROGATION NOTICE AND PROOF OF LOSS

You are required to complete this form in order to receive compensation under the Cerro Grande Fire Assistance Act. If you do not complete and sign this form your claim will be denied. A separate "Subrogation Notice and Proof of Loss" must be filed for each party whose Cerro Grande Fire related losses you paid. You may submit a single Subrogation and Proof of Loss if payments to a party were made under multiple insurance policies.

☐ By filing this Subrogation Notice and Proof of Loss you are choosing to seek compensation for all of your claims against the United States resulting from the Cerro Grande Fire through the Cerro Grande Fire Assistance Act (CGFAA), Public Law 106-246. By filing this Notice of Loss you lose your opportunity to pursue any and all claims against the United States (including subrogation claims, business loss claims and financial loss claims) resulting from the Cerro Grande Fire under the Federal Tort Claims Act or any other means. Your choice to seek compensation through this process cannot be changed. You may file your Subrogation Notice and Proof of Loss at any time up until August 28, 2002.

☐ Mail the completed Subrogation Notice and Proof of Loss to the FEMA OFFICE OF CERRO GRANDE FIRE CLAIMS, P.O. Box 1480, Los Alamos, NM, 87544-1480. For more information, please call 1-888-748-1853.

CLAIMANT INFORMATION

1. Name of Insurer or Other Third Party (hereafter referred to as "Claimant") _____

2. Contact Person: Address, phone, fax number and e-mail address:

Name and Title of Contact Person _____

Street _____

City, State, Zip _____

Phone No. _____

Fax No. _____ E-mail Address _____

PAPERWORK REPORTING BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1 – 4 hours. Burden means the time, effort, and financial resources expended by persons to generate, maintain, retain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspects of the form, including suggestions for reducing the burden to: Information Collection Management, Federal Emergency Management Agency 500 C Street SW, Washington, DC 20472. Please do not send your completed notice of loss to this address. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form.

SUBROGATION CLAIM

3. This Subrogation Notice and Proof of Loss is filed with respect to payments already made by Claimant to the injured person (Name of Policyholder/Payee): _____ under Policy No(s): _____ (if applicable), Claim #(s): _____ (if applicable), for injuries resulting from the Cerro Grande Fire. The injured person's claim(s), which form the basis for this subrogation claim, is (are) listed on Exhibit A attached hereto, and are in accordance with the format and data type prescribed on pages 3-4 of this Subrogation Notice and Proof of Loss.
4. The policy, or other subrogation agreement, and claim files which document the nature and extent of, and the justification for, each payment to the injured person for which subrogation is sought, are attached as Exhibit B.

REINSURANCE AND OTHER RECOVERIES

5. If you have been or will be reimbursed or reinsured in whole or in part with respect to payments described in Paragraph 3 by reinsurers, other insurers or other sources, please provide the following information and attach it as Exhibit "C": (1) the name and address of the reinsurer, other insurer or other source of reinsurance or reimbursement; (2) the amount that has been or will be reimbursed or reinsured; and (3) an explanation of the reinsurer's, other insurer's or other sources obligation to reinsure you or reimburse you for payments described in Paragraph 3.

CHOICE OF CERRO GRANDE FIRE CLAIMS PROCESS

By filing this form, Claimant chooses to have all of its claims against the United States of America related to the Cerro Grande Fire reviewed, evaluated and compensated by the Federal Emergency Management Agency (FEMA) under the Cerro Grande Fire Assistance Act (CGFAA), Public Law 106-246, and NOT through any other means. By filing this form, Claimant is waiving the right to make a claim under the Federal Tort Claims Act or under any other statute, law or authority. Claimant's choice to seek reimbursement through this process cannot be changed. Claimant understands that it can appeal FEMA's initial determination to the Director of the Office of Cerro Grande Fire Claims. If claimant is not satisfied with the Administrative Appeal decision claimant may elect to pursue either binding arbitration or judicial review in the United States District Court for the District of New Mexico.

CERTIFICATION

This Subrogation Notice and Proof of Loss consists of this form, Exhibits A, B and C supporting the claims(s), and any supplemental submissions thereto. The undersigned legal representative of the Claimant certifies under penalty of perjury that all of the statements made in this Subrogation Notice and Proof of Loss are true, complete and correct to the best of his/her knowledge and belief and are made in good faith and that he or she is duly authorized to sign this document on the Claimant's behalf. The undersigned further certifies under penalty of perjury that except as disclosed in Exhibit "C", no amount claimed in this Subrogation Notice and Proof of Loss has been paid or will be paid by other reinsurance, other insurance or any other source. The undersigned understands that a knowing and willfully false statement in the Subrogation Notice and Proof of Loss can be punishable by a fine of \$10,000 or imprisonment up to 5 years or both (Section 1001 of Title 18, United States Code).

Name of Claimant

Date

Claimant's Taxpayer identification Number

Signature of Authorized Legal Representative of Claimant

Title

Exhibit "A"
Coding for Cerro Grande Payments

CATEGORY	CODE	AMOUNT
Individuals		
Personal Injury		
General Damages	4202	\$
Medical Expenses	4203	\$
Lost Wages/Personal Income (injury related)	4204	\$
Real Property		
Repair	4212	\$
Replacement	4213	\$
Decreased Value	4214	\$
Reforestation or re-vegetation	4215	\$
Debris removal and other cleanup costs	4216	\$
Mitigation where home was damaged/destroyed	4217	\$
Other Individual Loss		
Mitigation (other than for damage/destruction of a home	4222	\$
Personal property	4223	\$
Lost wages/Personal Income (not injury related)	4224	\$
Increased mortgage interest costs	4225	\$
Flood Insurance Premiums	4226	\$
Insurance deductible	4227	\$
Temporary living/Relocation expense	4228	\$
Tribal Subsistence	4229	\$
Other	4232	\$

Business Loss:		
Real property		
Repair	4242	\$
Replacement	4243	\$
Decreased Value	4244	\$
Reforestation or re-vegetation	4245	\$
Debris removal and other cleanup costs	4246	\$

CATEGORY	CODE	AMOUNT
Other Business Loss		
Mitigation	4252	\$
Personal property/Tangible assets/inventory	4253	\$
Business interruption	4254	\$
Overhead Costs	4255	\$
Emergency Staffing Expenses	4256	\$
Employee wages for unperformed work	4257	\$
Increased mortgage interest costs	4258	\$
Flood Insurance Premium	4259	\$
Insurance Deductible	4262	\$
Temporary Rental/Relocation Expense	4263	\$
Other	4264	\$
Governmental Entities		
Real property		
Repair	4272	\$
Replacement	4273	\$
Decreased value	4274	\$
Reforestation or re-vegetation	4275	\$
Debris removal and other cleanup costs	4276	
Other Governmental Loss		
Physical Infrastructure	4282	\$
Mitigation	4283	\$
Personal Property/Tangible Assets/Inventory	4284	\$
Firefighting costs and Emergency Response	4285	\$
Emergency Staffing Expenses	4286	\$
Administrative Expenses	4287	\$
Temporary Rental/Relocation Expense	4288	\$
Tribal subsistence	4289	\$
Other	4292	\$
Total Amount Claimed		\$

Receipt of this information is required prior to the processing of your subrogation claim under the Cerro Grande Fire Assistance Act. If you have any questions regarding this document, you may contact the Office of Cerro Grande Fire Claims (1-888-748-1853).

PRIVACY ACT STATEMENT FOR SUBROGATION NOTICE AND PROOF OF LOSS

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the Subrogation Notice and Proof of Loss form to which this Notice is attached. The authority for the collection of this information is the Cerro Grande Fire Assistance Act, Public Law 106-246. The Privacy Act regulates our use of information about an individual. It does not regulate our use of information about businesses or other entities. Because you may be required to submit information about individuals in order to establish and substantiate your subrogation claim, we are providing this information to you. The information you provide about individuals will be in the review and substantiation of your subrogation claim. It may also be used to verify the individual's identity, to verify the individual's eligibility for compensation under the Cerro Grande Fire Assistance Act, and to verify any previous compensation made in connection with the Cerro Grande Fire. Some or all of the information you provide about individuals may be released to federal, state, and local government agencies or private organizations for the purpose of confirming their identity, their eligibility and any previous compensation or payments made in connection with the Cerro Grande Fire. The information may also be released when otherwise authorized by statute or regulation. Disclosure of information about individuals, where necessary to establish and substantiate your subrogation claim, is required in order for us to process the claim.

Routine Uses: The Privacy Act permits us to disclose information about individuals without their consent for a routine use, i.e., when the information will be used for a purpose that is compatible with the purpose for which we collected the information. The routine uses of this system are:

1. Disclosure may be made to agency contractors who have been engaged to assist the agency in the performance of a contract service related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 USC 552a.
2. Disclosure may be made to a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.
3. Disclosure may be made to other Federal agencies that FEMA has determined provided Cerro Grande fire-related assistance to claimant in order to ensure that benefits are not duplicated.
4. Disclosure of information submitted by an individual Claimant may be made to an insurance company or other third party which has submitted a subrogation claim relating to such Claimant when it is necessary in FEMA's opinion to ensure that benefits are not duplicated and to efficiently coordinate the processing of claims brought by individuals and subrogees.
5. Disclosure of property loss information may be made to local governments in Los Alamos, Rio Arriba, Sandoval and Santa Fe counties and the Pueblos of San Ildefonso and Santa Clara for the purpose of preparing community wide mitigation plans.
6. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.
7. Disclosure may be made to the National Archives and Records Administration for the purpose of conducting records management studies under the authority of 44 U.S.C. 2904, and 2906.